

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Target Corporation, Target Global Sourcing
Limited, and Target General Merchandise,

No. 21-cv-2269 (KMM/HB)

Petitioners,

v.

ORDER

International Seaway Trading Corporation,

Respondent.

This action involves a request to confirm an arbitration award in favor of Petitioners Target Corporation, Target Global Sourcing Limited, and Target General Merchandise (collectively "Target"). Though a summons was returned executed indicating that Respondent International Seaway Trading Corporation ("Seaway") was served on November 12, 2021, Seaway has not responded to the Petition or otherwise appeared in this case. Consequently, on January 19, 2022, Magistrate Judge Hildy Bowbeer issued an Order instructing Target to take certain steps to move this case forward.

Judge Bowbeer required Target to follow one of two paths. In the first path, Target would (1) notify Seaway of its obligation to answer or otherwise respond to the petition; (2) file that notice in CM/ECF; and (3) pursue entry of default under Federal Rule of Civil Procedure 55(a). The deadline for complying with the first path and requesting entry of default from the Clerk of Court is February 9, 2022. In the second path, Target could advise the Court, in writing, of any good cause why the first path should not be

followed. Target followed the second path in a letter filed on January 27, 2022. [Pet'r's Letter, ECF No. 15].

In its letter, Target advises the Court that although there is no controlling case law on point, in cases like this one, where a respondent has left the petition to confirm an arbitration award unanswered, many courts treat the petition as an unopposed motion. [*Id.* at 2–3]. Thus, Target asks the Court to vacate the portion of the January 19, 2022 Order requiring Target to pursue entry of default, and "instead enter a judgment confirming the Award on the current record." [*Id.* at 3]. After consultation with Judge Bowbeer, the Court has concluded that the undersigned United States District Judge will address Target's request.

The deadline for submission of any application for entry of default and subsequent motion for default judgment established by the January 19th Order [ECF No. 13] is hereby suspended. The Court will further consider Target's letter request for entry of a judgment confirming the arbitration award based on the Petition and the current record. If the Court concludes that additional briefing or other written submissions are necessary, it will issue an appropriate order to that effect`.

IT IS SO ORDERED.

Date: February 2, 2022

s/Katherine Menendez
Katherine Menendez
United States District Judge